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R. Talbot

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	Group Art Unit: 2876
Allan Rosencwaig et al.)	Examiner:
Application No. 09/629,407)	<u>INFORMATION DISCLOSURE</u>
Filed: August 1, 2000)	<u>STATEMENT</u>
For: MEASUREMENT OF THIN FILMS)	2001 Ferry Building
AND BARRIER LAYERS ON)	San Francisco, CA 94111
PATTERNED WAFERS WITH X-RAY)	(415) 433-4150
REFLECTOMETRY)	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on January 3, 2001.

STALLMAN & POLLOCK LLP Date: Jan 3, 2001

Commissioner for Patents By: Georgia K. Smith
Washington, D.C. 20231 Name: Georgia K. Smith

Sir:

Applicants submit herewith patents, publications or other information [attached hereto and listed on the attached Form PTO-1449 (modified)] of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

- (a) [] accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b) [] is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.

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- (c) ☒ as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits.
- (d) ☐ is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$240) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below.
- (e) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and the Issue Fee has not been paid, and is accompanied by the fee (\$130) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (d) or (e) are checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

- (f) ☒ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- (g) ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR

§ 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 (Modified) is supplied herewith:

(h) ☒ each (i) ☐ none (j) ☐ only those listed below:

Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached form PTO-1449 (Modified) are not supplied because they were previously cited by or submitted to the Office in a prior application no. _____, filed _____ and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on form PTO-1449 (Modified) is:

(k) ☒ not given

(l) ☐ given for each listed item

(m) ☐ given for only non-English language listed item(s) [Required]

(n) ☐ is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached].

The Examiner is reminded that a "concise explanation of the relevance" of the submitted items "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

[X] The Commissioner is hereby authorized to charge our Deposit Account No. 50-1703 for any fees required in connection with the filing of this Information Disclosure Statement. **A duplicate copy of this Notice is enclosed for this purpose.** In particular, in the event that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is authorized to charge the above-

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named deposit account for any fees required
pursuant to CFR §§ 1.17(p) or 1.17(i)(1).

Respectfully submitted,
STALLMAN & POLLOCK LLP

Dated: Jan. 3, 2001

By: Michael A. Stallman

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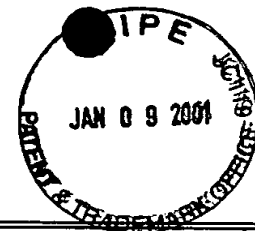
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FORM PTO-1449 (Modified) (Rev. 7-80)		U.S. Dept. of Commerce Patent and Trademark Office		Atty Docket No. TWI-10820		Appln. No. 09/629,407	
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				Applicant(s) Allan Rosencwaig et al.			
				Filing Date August 1, 2000		Group 2876	
U.S. PATENT DOCUMENTS							
*Examiner Initials		Document Number	Date	Name	Class	Subclass	Filing Date
	AA	5,371,582	12/06/1994	Toba et al.	356	73	07/30/1993
	AB	5,619,548	04/08/1997	Koppel	378	70	08/11/1995
	AC	5,740,226	04/14/1998	Komiya et al.	378	70	11/27/1996
	AD						
FOREIGN PATENT DOCUMENTS							
*Examiner Initials		Document Number	Date	Country	Class	Subclass	Translation YES NO
	AE	0 352 740	07/25/1989	EPC	H01L	21/306	
	AF	EP 0 768 512	10/15/1996	EPC	G01B	11/06	
	AG						
OTHER DOCUMENTS							
	AH						
	AI						
Examiner				Date Considered			
* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

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